

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY**

**RESOLUTION NO. 2021-\_\_\_**

**RESOLUTION INCLUDING CEQA EXEMPTION FOR AND AUTHORIZING EXECUTION OF AGREEMENT TO PURCHASE RELEASE OF WATER BY AND AMONG THE OAKDALE IRRIGATION DISTRICT, THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT, THE SAN LUIS & DELTA-MENDOTA WATER AUTHORITY, AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES**

**WHEREAS**, the San Luis & Delta-Mendota Water Authority (“Water Authority”) agricultural water service contractor members received an initial allocation of 5% of their full contractual supply for irrigation and 55% for municipal and industrial (“M&I”) for the 2021 water year, and current projections show that subsequent increases in allocations, if any, will be made later in the season and are expected to be minimal; and

**WHEREAS**, the Board of Directors of the Water Authority (the “Board”) has considered a draft of that certain Agreement to Purchase Release of Water by and Among the Oakdale Irrigation District (“OID”), the South San Joaquin Irrigation District (“SSJID”), the San Luis & Delta-Mendota Water Authority, and the California Department of Water Resources (“DWR”) (“2021 OID-SSJID Agreement”), a copy of which has been presented to the Board, is attached to this Resolution as **Exhibit A**, and is on file with the Secretary hereof; and

**WHEREAS**, the 2021 OID-SSJID Agreement provides flow in the Stanislaus and lower San Joaquin Rivers that will be in addition to flow that otherwise would occur in the absence of the voluntary sale, which increment of increased flow will be pumped at a 1:1 ratio pursuant to Section 4001(b)(7)(C) of the WIIN Act; and

**WHEREAS**, the releases resulting from the 2021 OID/SSJID Agreement will be managed, in coordination with fishery and wildlife agencies, during the April-May period to optimize benefits for out-migrating salmonid species; and

**WHEREAS**, under current conditions such released water is expected to be available for pumping at the State and Federal Delta export facilities on the basis of 50% available to the CVP and 50% available to the State Water Project (“SWP”), subject to any applicable restrictions or limitations imposed by Federal and State agencies with jurisdiction over CVP or SWP operations but contingent upon such agencies allowing for a 1:1 export ratio during the April-May period; and

**WHEREAS**, Reclamation expects to make the CVP share of water captured at the Delta facilities from the OID-SSJID releases available as supplemental allocation to CVP agricultural and M&I contractors that are members of the Water Authority based upon each such CVP contractor’s election to participate and agreement to accept the terms upon which the supplemental allocation will be made available by Reclamation, including payment of a premium to the Water Authority in the amount of \$250/acre foot for each acre foot released under the 2021 OID-SSJID Agreement; and

**WHEREAS**, execution and implementation of the 2021 OID-SSJID Agreement is in the public interest of the Water Authority because it will help meet CVP obligations under the Water Quality Control Plan, improve the water supply available to its Members and because availability of the Supplemental Allocation south of the Delta will generate additional revenues to assist the Water Authority in implementing its obligation to operate and maintain the Delta-Mendota Canal and related facilities required by its Agreement with Reclamation during a year of severely reduced water allocation and budget constraints related to such reductions; and

**WHEREAS**, the Water Authority has determined that its execution and performance of the 2021 OID-SSJID Agreement, including funding the supplemental instream fishery releases and delivering to its Members any supplemental CVP allocation (collectively, the “Project”) resulting from the 2021 OID-SSJID Agreement will have no significant adverse environmental effects; and

**WHEREAS**, the Project is categorically exempt from the California Environmental Quality Act because it will result in the provision of supplemental instream fishery flows pursuant to 14 California Code of Regulations Section 15301(i) and in the ongoing operation of the existing system within established parameters, without change in operation or expansion of use pursuant to 14 California Code of Regulations, section 15301 (Class 1). Ongoing delivery and receipt of water for M&I and agricultural purposes will continue with no expansion of service and no new facilities constructed because water will be delivered and received for existing beneficial uses through existing facilities.

**NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS, THAT:**

Section 1. The facts stated in the recitals above are true and correct, and the Board so finds and determines.

Section 2. The Executive Director or the Chief Operating Officer is hereby authorized and directed to execute the 2021 OID-SSJID Agreement substantially in the form presented to the Board and on file with the Secretary hereof, subject to such additions, deletions and other revisions as the Executive Director shall approve prior to execution.

Section 3. The Executive Director, Chief Operating Officer, and any Water Authority employees, consultants, or agents directed by the Executive Director or Chief Operating Officer hereby are further authorized and directed to take such additional steps, and to execute such additional documents, as may be required or reasonably necessary or convenient for completing and implementing the 2021 OID-SSJID Agreement as authorized by this Resolution.

**PASSED, APPROVED AND ADOPTED** this 4th day of March, 2021, by the Board of Directors of the San Luis & Delta-Mendota Water Authority.

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Cannon Michael, Chairman  
SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

Attest:

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Federico Barajas, Secretary

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I hereby certify that the foregoing Resolution No. 2021-   was duly and regularly adopted by the Board of Directors of the San Luis & Delta-Mendota Water Authority at the meeting thereof held on the 4th day of March, 2021.

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Federico Barajas, Secretary